

SENATE JOURNAL

SIXTY-NINTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, May 28, 1985)

In obedience to the Proclamation of The Honorable Mark White, Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 28th day of May, 1985, at 10:00 a.m. and was called to order by The Honorable William P. Hobby, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

The President announced a quorum of the Senate present.

The Senate Doorkeeper, Jim Morris, offered the invocation as follows:

Our Heavenly Father, amidst the hustle and frustration of the work-a-day world, we pause this morning to give thanks for life and for health and for the privilege of choice. Thank You for this day and the choices it will offer in our work. Bless and strengthen all those in places of leadership and decision and may each one of them use their individual gifts and talents. Amen.

LEAVE OF ABSENCE

Senator Howard was granted leave of absence for today on account of important business on motion of Senator Mauzy.

ELECTION OF PRESIDENT PRO TEMPORE FIRST CALLED SESSION

The President announced the time had arrived for the election of the President Pro Tempore, First Called Session, 69th Legislature.

On motion of Senator Mauzy, Senator Truan was elected President Pro Tempore, First Called Session, 69th Legislature.

SENATE RESOLUTION 1 (Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 31 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 69th Legislature, First Called Session, at the will of the Senate:

Secretary of the Senate - Betty King

Sergeant-at-Arms - Steve Guest

Doorkeeper - Jim Morris

Calendar Clerk - Kay Hughes

Enrolling Clerk - Patsy Spaw

Journal Clerk - Margrette Vollers

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 69th Legislature, First Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Camilla Bordie, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters and other employees as may be necessary. The President of the Senate is authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments or other national governmental organization during the 69th Legislature, First Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted \$13,500 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the convening of the 70th Legislature at which time the balance lapses. In order to accrue vacation leave, compensatory/overtime leave or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the tenth of the month following the month in which work was performed. Employees of Members and Committees must use overtime accrued in a given month by the end of the same month of the following year. Overtime accrued prior to January 1, 1985, will not be carried forward after January 1, 1986. No overtime will be paid at either the end of the fiscal year or at an employee's termination.

The following classification schedule shall apply for staff employees:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Messenger	0011	02	921(4)- 949(5)- 979(6)
Clerk Typist II/ Clerk II	0106	04	949(1)- 979(2)-1008(3)
Secretary II Clerk III/	0133	05	1142(5)-1177(6)-1215(7)
Research Tech II	0055	06	1074(1)-1107(2)-1142(3)
Secretary III	0135	07	1142(1)-1177(2)-1215(3)
Admin. Secretary	0138	09	1295(1)-1336(2)-1378(3)
Info. Spec. I	1892	14	1790(1)-1850(2)-1912(3)
Admin. Tech. I	1501	08	1215(1)-1255(2)-1295(3)
Journalist I	1859	10	1378(1)-1423(2)-1471(3)
Admin. Tech. II/ Research Asst. I	1502	11	1471(1)-1520(2)-1570(3)

Journalist II	1860	12	1570(1)-1622(2)-1676(3)
Admin. Tech. III	1503	13	1676(1)-1732(2)-1790(3)
Attorney I	3531	14	1790(1)-1850(2)-1912(3)
Admin. Tech. IV/ Attorney II	1504	15	1912(1)-1976(2)-2041(3)
Info. Spec. II	1893	16	2041(1)-2110(2)-2179(3)
Admin. Asst.	1506	17	2179(1)-2254(2)-2329(3)
Attorney III	3533	17	2179(1)-2254(2)-2329(3)
Research Asst. II	1517	13	1676(1)-1732(2)-1790(3)
Info. Spec. III	1864	18	2406(1)-2487(2)-2571(3)
Legal Clerk V/ Legal Counselor	3605	19	2571(1)-2655(2)-2744(3)
Research & Info. Specialist	1866	21	2931(1)-3029(2)-3131(3)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act upon authorization of the Administration Committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,000 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily Journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 69th Legislature as follows: the Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 a.m., and 1 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the

place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute period.

Respectfully submitted,

/s/MAUZY

Chairman of the Caucus

/s/BROOKS

Secretary of the Caucus

The resolution was read and was adopted.

PROCLAMATION FROM GOVERNOR CALLING SPECIAL SESSION

The President laid before the Senate the following Proclamation from the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby call a special session of the 69th Legislature to be convened in the City of Austin, commencing at 10:00 a.m., Tuesday, the 28th day of May A.D., 1985, for the following purposes:

1. To consider and pass legislation providing for an indigent health care program and appropriating such sums necessary to fund the program in the method set forth in the conference committee report in H.B. 1843, 69th Legislature, Regular Session, and funded pursuant to H.C.R 259.

/s/MARK WHITE

Governor of Texas

/s/Myra A. McDaniel

Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

MOTION IN WRITING

Senator Mauzy offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready to transact business.

MAUZY

The Motion in Writing was read and was adopted.

Accordingly, the President announced the appointment of the following as a Committee to Notify the Governor: Senators Brooks, Harris, Henderson, Mauzy and Montford.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate is organized and ready to transact business.

MAUZY

The Motion in Writing was read and was adopted.

Accordingly, the President announced the appointment of the following as a Committee to Notify the House of Representatives: Senators Brown, Parker, Truan, Uribe and Whitmire.

MESSAGE FROM COMPTROLLER OF PUBLIC ACCOUNTS

The following Message from the Comptroller of Public Accounts was read and was filed with the Secretary of the Senate:

BOB BULLOCK
Comptroller of Public Accounts
Austin, Texas 78774

May 28, 1985

The Honorable Mark W. White
Governor of Texas

The Honorable William P. Hobby, Jr.
Lieutenant Governor

The Honorable Gibson D. Lewis
Speaker of the House

Members of the 69th Legislature

Ladies and Gentlemen:

In accordance with Article III, Section 49a of the Texas constitution, I hereby estimate that \$40 million is available for certification to the first called session of the 69th Legislature.

I would point out, however, that this certification is a preliminary figure subject to final actions by the Governor, final certifications by my office on spending measures, and final analysis by my office on revenue measures enacted during the Regular Session of the 69th Legislature.

Comptroller of Public Accounts

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Howard.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Sims.

Absent-excused: Howard.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Representative Sam Hudson for the Committee notified the President and Members of the Senate that the House was organized and ready to transact business.

HOUSE NOTIFIED

The Committee to Notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Parker for the Committee notified the President and Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Brooks for the Committee notified the President and Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

SENATE BILL 2 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 2, Relating to the governing board, operations, and continuation of the Texas Department on Aging; amending the Human Resources Code, as amended, by amending Subsections (b), (c), (d), and (e) of Section 101.001 and Sections 101.002, 101.003, 101.005, 101.006, 101.008, and 101.021 and by adding Sections 101.0011, 101.0031, 101.0061, 101.0221, and 101.0251.

The bill was read second time and was passed to engrossment.

SENATE BILL 2 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Howard.

The bill was read third time and was passed.

SENATE CONCURRENT RESOLUTION 1

Senator Mauzy offered the following resolution:

BE IT RESOLVED, That the 69th Legislature, 1st Called Session, having completed its business, stand adjourned sine die at _____ on _____, 1985.

The resolution was read.

On motion of Senator Mauzy, the resolution was considered immediately and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
May 28, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 1, Whereas, the stability of electric utility pricing influences greatly the economic future of Texas and the ability of the State to grow in a structured manner; and

H.C.R. 2, Directing the Texas Commission on Jail Standards to furnish technical assistance and consultation to municipal jails and report to the 70th Legislature.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 1

The President laid before the Senate the following resolution:

H.C.R. 1, Establishing the interim study committee of Joint Special Committee on Cogeneration.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was adopted.

RECESS

On motion of Senator Mauzy, the Senate at 10:50 o'clock a.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

ADJOURNMENT

On motion of Senator Farabee, the Senate at 2:01 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.